

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Keith Mustin,

Case No. 3:21-cv-321

Plaintiff,

v.

ORDER

Warden Lyneal Wainwright, *et al.*,

Defendants.

Plaintiff Keith Mustin has filed a motion to proceed on appeal without prepaying the appellate filing fee. (Doc. No. 30).

Section 1915 provides “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). A court may grant a motion to proceed in forma pauperis if the issues are arguable on their merits, even if the petitioner cannot show a probability of success on the merits. *See, e.g., Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). I conclude the issues Bloodworth raises are not frivolous, even if he is unlikely to succeed on appeal, and I grant his motion to proceed in forma pauperis on appeal. (Doc. No. 30).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge